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12 *Quality Carriers, Inc.*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

13 JANEAL MATHEWS,
14 Plaintiff,
15 vs.
16 QUALITY CARRIERS, INC.,
17 and, DOES I-X,
18 Defendants.

Case No. 3:18-cv-00456-MMD-WGC

STIPULATION AND ORDER FOR
EXCEPTION TO EARLY NEUTRAL
EVALUATION ATTENDANCE
REQUIREMENTS

Pursuant to the Court's Order Scheduling Early Neutral Evaluation Session (ECF No. 9), all parties hereby stipulate to an exception to the early neutral evaluation ("ENE") in-person attendance requirements so that a representative from Defendant's insurance carrier may attend the session by telephone.

I. REASON FOR REQUEST

Defense Counsel recently learned that Defendant may have insurance coverage for this matter through Travelers Insurance Company. However, Defendant has a substantial, six-figure self-insured retention and any resolution of this matter at the ENE will be funded by Defendant. In addition, the representative for Travelers is located out of state and unable to travel to Reno, Nevada on the date set for the ENE. The insurance representative will be readily available by telephone. The insurance representative's absence will not adversely affect the ENE, and those present will have the appropriate settlement authority to reach a reasonable resolution at the ENE.

1 **II. COMPLIANCE WITH THE COURT'S ORDER**

2 The Court's Order Scheduling Early Neutral Evaluation Session provides that, "[i]n the
3 event counsel for any party is aware of any circumstance which might cast doubt on a client's
4 compliance with these [attendance] provisions, s/he shall immediately discuss the circumstance
5 with opposing counsel to resolve it well before the early neutral evaluation." ECF No. 9, p. 3.

6 Upon learning of the insurance policy and speaking with the carrier representative
7 regarding the representative's inability to attend in person, Defense Counsel immediately
8 discussed the issue with Plaintiff's Counsel. The parties resolved the issue by agreeing to allow
9 the insurance representative to be available telephonically.

10 Based on the foregoing, the parties agree that Defendant's carrier may be excused from in-
11 person attendance at the ENE currently scheduled for December 12, 2018, at 1:30 p.m., and
12 instead will be available telephonically.

13 Dated this 3rd day of December, 2018.

14 MAUSERT & OLDHAM

15 JACKSON LEWIS P.C.

16 /s/ Mark Mausert

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Quality Carriers, Inc.

21 **ORDER**

22 IT IS SO ORDERED:

23 Dated: 12/4/2018

24 
25 CARLA BALDWIN CARRY
26 UNITED STATES MAGISTRATE JUDGE

27 4851-1325-8881, v. 1

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